is not possible. And they expect me to react to it.

I am reacting. When 1 gave my assurance and the Minister has not disagreed and everybody is agreeing why make it 'this evening' ? The question is not this evening nor tomorrow evening nor day after. The question is that never it should happen. Whether they tell us or not tell us, it should not happen.

SHRI JAGESH DESAI : kadatn, I am thankful to you tor allowing) me to raise one issue....

SHRI N. E. BALARAM (Kerala) : Madam, it is only a pious wish. Nothing is going to happen. I have become so cynical...

THE MINISTER OF STAfTE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF] THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA) : Madam, we will come back 10 the House with a statement on this issue.

THE DEPUTY CHAIRMAN : She is giving an assurance. Now take it.

SHRI N. E. BALARAM : Nothing will come out.

THE DEPUTY CHAIRMAN : She has given an assurance on the floor of the House.

SHRI KAMAL MOKARKA : Mrs. Margaret, please use the good offices of Mr. Balaram !

RF REJECTION OF WORLD BANK AID BY GOVERNMENT

SHRI JAGESH DESAI : Madam. 1 have read in the 'Financial Express' today a news item, and if it is true, I am very happy. Madam, the Railway Minister has rejected finances to the tune of 300 million dollars from the World Bank because the World Bank hald put very harsh conditions. The Worlfl Bank has said that six public sector unit under the RaKway Ministery should be privatised. But I am happy that the Railway Minister has rejected it. And even the Prime Minister lias said that if the funds are not available, we can go to the NRIS. Earlier also, the World Bank wanted to give a loan to the Railway Ministry on the condition that they should import the rails. But the Railway Minister said that these rails are available in the country and as such, we shall not take this kind of loan. Madam, I would compliment the Railway Minister, and the whole House will join me...

SHRI GURUDAS DAS GUPTA : If it is true.

SHRI JAGESH DESAI : ...if it is true. Ami a_s such. I -want the Railway Minister to come before the House and tell us the facts. Madam, if the Government is going on these lines, the whole House will agree with the Government that we should not succumb to any pressure of either the World Bank or the International Monetary Fund, if the conditions are harsh. J am very happy about that. I hope the whole House will join me.

THE DEPUTY CHAIRMAN : Mr. Morarka. (*Interruptions)* ...

AN HON. MEMBER .- Member, I want to associate myself....

THE DEPUTY CHAIRMAN : Everybody has agreed. Now, We have to go ahead with the business.

SHRI KAMAL MORARKA : Madam, 1 want to draw the attention of the House...

SHRI MOHAMMED AFZAL *alias* MEBM AFZAL : You called me.

THE DEPUTY CHAIRMAN : I did not call you. You are not Mr. Morarka.

RE APPEARANCE OF THE SPEAKER OF AN ASSEMBLY IN THE SUPREME COURT

SHRI KAMAL MORARKA : Madam, t want to draw the attention of the House to a very serious constitutional matter. And I am glad Mr. Bhardwaj is here and I would like him to take note of it. Madam. Yesterday, the Manipur

Speaker had to personally appear in the Supreme Court as a result of a long-winded controvesy between the Manipur Legislature and the Supreme Court. Madam, it has been hailed by judicial officials as a great day for the Supreme Court. But, Madam, we are parliamentarians. I feel that any confrontation between the Legislature and the Judiciary is a thing which is anathema to our constitutional system. It will be a sad day if the Presiding Officers of the Houses of Parliament or the Legislatures are hauled up before the Courts. Madam, the Supreme Court made a very fine distinction yesterday and said. 'We have Called the Manipur Speaker here adjudicating in his capacity not as the Speaker but as the authority under the Tenth Schedule' which means Anti-Defection Act. Now, Bhardwaj ji knows very well that the Anti-Defection Act was passed and many Members did think that you were putting the Speaker in an awkward position. The Speaker will have to give the judgement and if the judgement is justiciable, ths Speaker will be put in an awkward situation. At that time, a clause was inserted that the proceedings under the Tenth Schedule will be considered as proceedings of Parliament and will be outside the purview of the courts. Now, the Punjab and Haryana High Court in a particular case has struck down clause 7 and that is why, it became justiciable. Because of this, a piquant situation arose yesterday. Manipur Speaker has been literally forced. He himself feels humiliated. He comes from a very small State in the North-East. His lawyer went on pleading with the Supreme Court even yesterday morniug : 'Please exempt him from personal appearance. He has come to Delhi. He is lodged in the Manipur House. But please exempt him' The judges did not agree. He came in the afternoon. The judges said We are happy he has come. Now the contempt proceedings are dropped." That was done in a very dignified way. But it raises certain basic issues to the functioning of our Constitution. I shudder to think that if the Speaker of the Lok Sabha is similarly called by the Supreme Court tomorrow for any judgement he gives in tile anti-defection matters which are pending before him, where do we go ? Dr. Balram Jakhar, a former Speaker, is here. Mr. Bhardwaj is here. He knows the Tenth Schedule. 1 fed; the Government should either amend the Tenth Schedule. . .

THE DEPUTY CHAIRMAN : Or the Chairman of Rajya Sabha.

AN HON. MEMBER : Or the Deputy Chairman.

THE DEPUTY CHAIRMAN : Mine is no problem.

SHRI KAMAL MORARKA : Anybody. J am on the fundamental issue, without meaning any disi'espect to the Supreme Court or the High Court. I think if there is some lacuna in the legislation, we should correct it. We should definitely keep our Presiding Officers outside the purview of the courts either directly or by a fine distinction. Otherwise, I am afraid, in the long run, the very dignity and independence of the legislature will be at Make.

THE MINISTER OF STATE IN THE MINISTRY OF; LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : I would like to say a few words.

Madam, on yesterday's incident, we are all very satisfied that the matter was sorted out by the greatest wisdom shown by the Speaker as well as the hon. Judges of the Supreme Court. To that extent, we are very happy because there was really a very tense moment for me at least, because I am very much concerned and the Government is very much concerned for the dignity of the Speaker as well as the dignity of the court and when there is some irritation between the institutions, it is a matter of anxiety for the entire nation. So we have taken note of that. What the hon. Member, Shri Kamal Morarka, has said, I have taken note of. Not' today, but quite a long time back, we had a discussion. We have also been in touch with the hon. Speaker on this issue. We are also keeping it as one of the matters as to how to really sort it out. As a matter of fact, for reforming election process, anti-defection law was brought. There was a unanimity about the passing of this legislation. Later on, clause 7 in the Act was struck down.

We should not really bring in a controversy in the institution of the Presiding

Officers, particularly in a case like this. So, we are going to discuss with the Leaders of the Opposition on this issue. There is also one resolution of the Presiding Officers. This is a very-very sensitive area. The Government is aware of it and we are taking care of this area to see how to ready sort it out and keep the Presiding Officers out of the controversy.

SHRI JOHN F. FERNANDES (Goa) . Let them come with an amendment.

THE MINISTER OF AGRICULTURE (SHRI BALRAM JAKHAR) : As Speaker, I had to deal with these things and I have always felt that the roles of the judiciary and the legislature are complementary and supplementary to each other and should be maintained as such. I think Kamal ji is right when he said that we must draw a line where the supremacy of the Speaker and the Presiding Officers is maintained. We must do something about it because unnecessarily sometime in the future, it may create some trouble.

SHRI VITHALBHAI M. PATEL (Gujarat) : Earlier, when Mr. Balram Jakhar was the Speaker, there was a ruf.ing that even the Members should not accept the summons of the court. Therefore, there is a limit. This is beyond the limit. A number of times, the Speaker had given decision not to accept any summons.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : शिवशंकर जी आप जरा बताइये ।

SHRI JOHN F. FERNANDES : Madam, clause 7 was struck down by the Supreme Court in November, 1991. But so far, the Government has not taken any remedial action to amend that clause. The whole matter is open to the courts. Whatever decisions are given by the presiding officers are stayed by the courts under their writ jurisdiction The Government is silent about it. I would like to know from the Law Minister whether they will bring forward an amendment to debar appeal under the Tenth Schedule, to debar courts from interfering with the decisions of the presiding officers.

THE DEPUTY CHAIRMAN : This matter was raised by Mr. Kamal Morarka.

We are not having any formal motion before the House to discuss it Whatever Mr. Morarka.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh) : Madam, ...

THE DEPUTY CHAIRMAN : I am not allowing anybody. I am requesting people to confine...

श्री जगदीश प्रसाद माथुर : बड़ा मुश्किल है, आप औरों को इजाजत देती हैं (व्यवधान) उधर से बोल चुके हैं (व्यवधान)

उपसभापति : अगर आप जिद कर रहे हैं तो बोलिये ।

If that is the way to run the House, okey. We can sit up to twelve.

श्री जगदीश प्रसाद माथुर : मेरा निवेदन है भारद्वाज जी से कि यह मसला बड़ा नाजुक और लम्बा है । उत्तर प्रदेश आदि में कई बार ऐसा हो चुका है । मेरा निवेदन यह है कि अभी से ही कोई व्यवस्था ऐसी करें कि जिससे स्पीकर को कम से कम पर्सनली अदालत में उपस्थित होने के लिए बाध्य न किया जाए । बाकी जो कंट्रोवर्सीज है कि जजमेंट रिव्यू करने लायक है आदि आदि

That is a different matter.

लेकिन उनकी पर्सनल प्रेजेंस की बात आज ही किसी प्रकार से खत्म कर दें ताकि उनको पर्सनल ह्युमिलियेशन बर्दाश्त न करना पड़े ।

THE DEPUTY CHAIRMAN : Yes, Balbir Saheb, what are you saying?

SHRI BALBIR SINGH (Punjab) : Madam, 1 want to draw the attention of the Government to a very serious matter. I have received a copy of a letter written by an officer of Her Majesty's prison in the U.K., to the Indian High Commissioner

there. This is about the miserable plight of the deportees who are first sent from here by fraudulent travel agents, who are smuggled out of the country on fate documents, and are then forced to seek political asylum over there. Let me read a para from this letter.

THE DEPUTY CHAIRMAN : What is the issue, Mr. Balbir Singh ? You have not taken any formal permission.

SHRI BALBIR SINGH: This is about the miserable plight of the deportees, Madam.

THE DEPUTY CHAIRMAN: Which deportees ?

SHRI BALBIR SINGH : People who are illegally smuggled out of the country and then are deported back. It is about them. An officer of Her Majesty's prison in- London had written a letter to our High Commissioner there, a copy of which has been endorsed to me. This letter says :

> "I have been hearing rumours that the deportees are detained at Delhi Airport by the immigration authorities for questioning. The purpose of questioning, according to the above rumours, has been nothing more than robbing them".

THE DEPUTY CHAIRMAN : Mr. Balbir Singh, I am not understanding. What are you reading ? You have not given any formal request as to what you are going to raise because the convention is that if you want to raise anything in the House, you have *to* first let the Chair know what you are going to raise. I do not know what it is. I do not know what you are raising really. It is about what ?

SHRI BALBIR SINGH : Madam, 1 have been repeatedly saying that this is about the miserable plight of the deportees who are smuggled out of the country by fraudulent travel agents. This is a very serious matter.

THE DEPUTY CHAIRMAN : Qfe»y... *(Interruptions).*-.. Now, I follow.

SHRI BALBIR SINGH : Over there, Madam, they are forced to seek political asylum on the basis of fake documents. This is a letter written by an officer of Her Majesty's prison in the U.K. to the Indian High Commissioner there. He speaks about the plight of the deportees. The letter says :

> "I have been hearing rumours that the deportees are detained at Delhi Airport by the immigration authorities for questioning. The purpose of questioning, according to the above rumours, has been nothing more than robbing them of ten, fifteen or twenty pounds. Recently I have heard that the rate has gone up to fifty pounds. Firstly, I did not believe the above, so I asked the deportees to write back to lis about their experiences at the above airport. Now I have got some evidence so I am bringing the matter to your attention.
>
> As you would know, we hold a large number of deportees at this prison. They are very concerned and worried about their plight at Delhi Airport. These people are deported after a lot of suffering and hardship. Normally it has been noticed that . they come from very poor backgrounds."
>
> "Many do not have any money with them except a few pounds for their travel from Delhi. It is a matter of grave concern that some corrupt offi-cia3s at the airport blackmail them, with a threat of locking them up unless they pay a negotiated sum of money. They are given no other choice but to pay if they wish to go out of the airport."

Madam, this is a very serious matter. I would like to draw the attention of the Home Minister, through you, Madam, to this very important matter. I would like that he should hold an enquiry and punish the quilty.

Can I have tome response from tie Government ?

SHRI S. K. T. RAMACHANDRAN (Tamil Nadu) : This is not only harassment to the individual...*(Interruption*).* This *in* a very aerioug matter.

श्री मोहम्मद अफजल उर्फ मीम अफजल (उत्तर प्रदेश) मैडम, यह बहुत खुशी की बात है कि 12 तारीख से.....

شری محمد افضل عرف م۔افضل : میڈم یہ بہت خوشی کی بات ہے کہ ۱۲ تاریخ سے . . .

श्री बलवीर सिंह : मैडम, ऐसे केसेज तो बहुत होते रहते हैं, स्पेशली इन पंजाब।

श्री मोहम्मद अफजल उर्फ मीम अफजल : मैडम, 12 अप्रैल से लेकर 16 अप्रैल तक... (व्यवधान)

شری محمد افضل عرف م ۔افضل : میڈم ۱۲ اپریل سے لے کر ۱۶ اپریل تک . . . "مداخلت" . . .

THE DEPUTY CHAIRMAN : The Government ahould take serious note of this.

Re HOLDING OF I.P.V. CONFERENCE IN BELHI

श्री मोहम्मद अफजल उर्फ मीम अफजल : इंटर पार्लियामेंट्री कान्फेंस हो रही है और यह बड़ी ही अहम कान्फेंस है। हमारे लिए यकीनन यह फक्र की बात है कि हिंदुस्तान में यह बड़ी कान्फेंस होने जा रही है। मैडम, मैं बहुत ही संजीदगी के साथ आपकी तव्वजह मुल्क के हालात की तरफ दिलाते हुए इस कान्फेंस के मुताल्लिक कुछ कहना चाहता हूं। हमारी इस कान्फेंस में तकरीबन सौ से ज्यादा मुल्कों के लोग आने वाले हैं। इसमें एक अहम बात यह है कि अभी हंगरी और इजरायल के जो इकनामिक डेलीगेट्स कंट्री में आने वाले थे उन्होंने अपने टूर प्रोग्राम को कैंसिल कर दिया है। इसके वजूहात साफ है कि जापान, अमरीका और फ्रांस जैसे मुल्कों ने बाकायदा अपने यहां अपने शहरियों को एडवाइज किया है कि वे हिन्दुस्तान न जाएं और खास तौर से जब बी०बी०सी० से ये खबरें आई हैं कि दिल्ली के अंदर कुछ भी हो सकता है। बम्बई और कलकत्ता के बाद अगला निशाना देहली है। तो ऐसे हालात में हम लोगों की क्या वाकई ऐसी पोजीशन है कि हमें कान्फेंस करनी चाहिए या नहीं करनी चाहिए इस पर संजीदगी से गौर करना चाहिए। मैं पहला आदमी हूंगा जिसको सबसे ज्यादा मैं कहूंगा कि खुशी है कि हमारा मुल्क एक बड़ा काम करने जा रहा है। लेकिन यह हमारे लिए एक बहुत ही अजीबो-गरीब बात होगी कि हम इतनी बड़ी कान्फेंस का इंतजाम करें और पता लगे कि कुछ मुल्कों से या ज्यादातर मुल्कों से डेलीगेट्स न आयें। दूसरा मैं यह कहना चाहता हूं कि आज एक टेलीफोन की काल आती है और पार्लियामेंट के दोनों हाउसेज एडजर्न करने पड़ जाते हैं। लोग घबड़ाहट में भागते हैं। दो हजार डेलीगेट्स हमारे फाइव स्टार होटल्स के अंदर ठहरे हुए होंगे, एक्सपेक्टेड होंगे, मैं नहीं समझता हूं कि लोग आयेंगे लेकिन दो हजार डेलीगेट्स होटलों में ठहरे होंगे। अभी से अशोका होटल, सम्राट होटल या दूसरे होटलों में चले जाइये, सभी के अन्दर घुसने में बहुत परेशानी है, जबर्दस्त चेकिंग है, सब कुछ है लेकिन उसके बावजूद जो कुछ भी बम्बई के बाद कलकत्ता के अंदर हुआ, क्या ऐसे हालात में हम इस बात की पूरी गारंटी कर सकते हैं कि कोई हादसा न हो। अगर खुदा न खास्ता कोई हादसा ऐसे मौके पर हो गया तो हिंदुस्तान की पोजीशन पूरी दुनिया के अंदर क्या

* Transliteration in Arabic script.